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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,300	12/28/2001	Andreas Dieberger	ARC920010059US1	9723
33360	7590	03/23/2006		
MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD CHTA/J2B SAN JOSE, CA 95120			EXAMINER PITARO, RYAN F	
			ART UNIT 2174	PAPER NUMBER

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/034,300	Applicant(s) DIEBERGER ET AL.	
	Examiner Ryan F. Pitaro	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,14,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,14,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 have been examined.

Response to Amendment

2. This action is in response to the Amendment filed on 12/19/2005. Claims 1,4-7,14,17-18,20,22,23 are pending. Claims 4-7 have been amended. This action is Non-Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4-7,14,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley Digital Library Project ("Berkeley", Titlebars) in view of Hii ("Hii", US 2002/0163545).

As per independent claim 1, Berkeley discloses a method for visualizing and navigating documents in a graphical user interface comprising the steps of: generating a summary view of at least one document containing instances of search terms using a condensed abstract representation depicting a search term density distribution (Page 1 lines 1-6); and navigating to at least one segment of said document by selecting a

corresponding portion of said summary view (Page 3 lines 3-8). Berkeley fails to distinctly point out cursor brushing. However, Hi teaches triggering an enhancement of said summary view by cursor brushing ([0032] lines 1-17). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Berkeley with the cursor brushing of Hii. Motivation to do so would have been to provide a preview to differentiate between the items displayed without having to select and display each item one at a time.

As per claim 4, which is dependent on claim 1, Berkeley-Hii discloses a method further comprising generating document metadata (Berkeley, Figure 5 item 10; *topic headings*). Berkeley-Hii does not expressly show metadata being textual transcript, results of textual transcript, results of textual transcript search, results of a speaker change search, results of a stress analysis, results of a speech transcript search, audio features, audio amplitude data, number of accesses to a particular document segment. However these differences are only found in the nonfunctional data stored on the article of manufacture. Data identifying the metadata, is not functionally related to the method. Thus, this descriptive material will not distinguish, the claimed invention from the prior art in terms of patentability see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore it would have been obvious to an artisan at the time of the invention to allow the metadata to be any type as shown in Berkeley because such metadata does not functionally relate to the method and merely labeling the data differently from that in the prior art would have been obvious. See *Gulack* cited above.

As per claim 5, which is dependent on claim 4, Berkeley-Hii discloses a method wherein generating step uses said document metadata to depict said search term density distribution (Berkeley, Figure 5).

As per claim 6, which is dependent on claim 4, Berkeley-Hii discloses a method wherein the physical dimensions of said summary view encode metadata values (Berkeley, Page 1 lines 10-11).

Claims 7,22,23 are similar in scope to that of claim 1, and are therefore rejected under similar rationale.

As per claim 14, which is dependent on claim 7, Berkeley-Hii discloses a system wherein said summary view is displayed in a modified version of said document (Berkely, Page 5 lines 4-6; *search is entered at the bottom of the page*)

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley Digital Library Project ("Berkeley", Titlebars) and Hii ("Hii", US 2002/0163545) in view of Rosenholtz ("Rosenholtz", US 6883138).

As per claim 17, which is dependent on claim 7, Berkeley-Hii fails to distinctly point out a hierarchy depicting information at increased resolutions. However, Rosenholtz teaches a system wherein said enhancement includes a hierarchy of said representations, with each subsequent representation in said hierarchy depicting information at an increased resolution (Column 11 lines 22-34). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of

Berkeley-Hii with the teaching of Rosenholtz. Motivation to do so would have been to provide an easy way of recognizing the specified word.

6. Claims 18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley Digital Library Project ("Berkeley", Titlebars) and Hii ("Hii", US 2002/0163545) in view of Liou et al ("Liou", US 6,580,437).

As per claim 18, which is dependent on claim 7, Berkeley-Hii fails to distinctly point out a video file and representing at least one frame of the video file. However, Liou teaches a system wherein said document is a video file and said enhancement includes a hierarchy of said representations and at least one video frame (Figure 5). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Berkeley-Hii with the current teaching of Liou. Motivation to do so would have been to organize a set of videos to make searching easier.

As per claim 20, which is dependent on claim 7, Berkeley-Hii-Liou discloses a system wherein said document is collection of video files and said enhancement includes a hierarchy of said summary views, with a first layer in the hierarchy including information describing individual video files from said collection, and with a second layer in the hierarchy including at least one video frame from said individual video files (Liou, Figure 5).

Response to Arguments

Applicant's arguments with respect to claims 1,4-7,14,17-18,20,22,23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP



SY D. LUU
PRIMARY EXAMINER